

PATENT COOPERATION TREATY

REC'D 09 MAY 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

19/5

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2004/052317

International filing date (day/month/year)
05.11.2004

Priority date (day/month/year)
10.11.2003

International Patent Classification (IPC) or both national classification and IPC
H04Q7/38, H04L12/56

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/052317

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/052317

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,4,7-10,13,14,16-19
	No: Claims	1,2,5,6,11,12,15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1: US 2002/085520 A1 (SYDON UWE ET AL) 4 July 2002 (2002-07-04)

D2: US 2003/181208 A1 (LOBINGER ANDREAS ET AL) 25 September 2003
(2003-09-25)

D3: US-B1-6 459 690 (LE STRAT EVELYNE ET AL) 1 October 2002 (2002-10-01)

2 The present application does not meet the criteria of Article 6 PCT, because the subject-matter of claims 1,7,9,10,11,16,18,19 is not clear.

2.1 The expressions "P2P" used in claims 1,7,9,10,11,18 and 19 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT. In the following, said expression will be interpreted as in the description (page 1, line 16 - page 2, line 2).

2.2 The definition of the User Equipment, included between brackets in claims 1,7 and 16 is unclear since it can be interpreted as referring to the drawings. In the following, said definition will be interpreted as if an alternative formulation had been used (ex. "User Equipment, hereinafter referred to as UE").

3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,5,6,11,12 and 15 is not new in the sense of Article 33(2) PCT.

3.1 Using the wording of claim 1, document D1 discloses (the references in parentheses applying to this document):

- "A method for mitigating peer to peer interferences, performed by a network system (10), comprising steps of:

determining the redundant code group information, according to the code group

usage information on the cell on which two User Equipments attempting to establish peer to peer link camp and its adjacent cells (paragraphs [0020]-[0021]);

selecting a scrambling code from the redundant code group information and assigning it to the two User Equipments, so that the two User Equipments can perform scrambling operations on peer to peer signals to be transferred between the two User Equipments by using the scrambling code (paragraphs [0021], [0026]).
The subject-matter of claim 1 is therefore not new (Article 33(2) PCT).

- 3.2 Independent system claim 11 describes a system that performs the method described in the independent claim 1. Its subject-matter is, for the same reasons explained above, not new (Article 33(2) PCT).
- 3.3 The additional features of dependent claims 2,5,6,12 and 15 are also known from D1. In particular:
- claims 2,5,12,15: see D1, paragraph [0025];
 - claim 6: see D1, paragraph [0023]; -
- The subject-matter of claims 2,5,6,12 and 15 is therefore not new (Article 33(2) PCT).
- 4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 3,4,7-10,13,14,16-19 does not involve an inventive step in the sense of Article 33(3) PCT.
- 4.1 Independent method claim 7 describes the method performed by the User Equipment according to the one described in claim 1 for the network system. Together with the features of independent claim 1, it is mentioned that the User Equipment reads the code group usage information of the adjacent cells through adjacent cell search procedure and then reports it to the network system. This feature is described in document D2 (paragraphs [0007]-[0010]) as having the same effect as in the present application (namely, the information about the available channels (codes) in the neighbouring cells). The skilled person would therefore regard it as a normal option to include this feature in the method described in document D1 in order to solve the problem posed.
- 4.2 Independent apparatus claim 16 describes the User Equipment able to perform the

method described in the independent claim 7. Its subject-matter is, for the same reasons explained above, not inventive (Article 33(3) PCT).

4.3 The additional features of dependent claims 3,4,8-10,13,14,17-19 are also not inventive. In particular:

- claims 3,4,8,13,14,17: according to the results of the monitoring of the adjacent cells transmitted to the network system by the User Equipments, the determination of the available channels for peer to peer communication (i.e. the redundant code group information) is done. The use of the result of this adjacent cell monitoring for channel assignment purposes is a normal design procedure that comes within the normal practice of the person skilled in the art.
- claims 9,10,18,19: these claims refer to obvious design features.